

THOMAS E. FRANKOVICH (State Bar No. 074414)  
 THOMAS E. FRANKOVICH,  
**A PROFESSIONAL LAW CORPORATION**  
 4328 Redwood Hwy., Suite 300  
 San Rafael, CA 94903  
 Telephone: (415) 674-8600  
 Facsimile: (415) 674-9900

Attorney for Plaintiffs  
 DAREN HEATHERLY  
 and IRMA RAMIREZ

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

DAREN HEATHERLY; and DAREN  
 HEATHERLY,  
  
 Plaintiffs,  
  
 v.  
  
 WYVERN RESTAURANTS, INC., dba  
 ROUND TABLE PIZZA; and GARY L.  
 SIMMONS and SALLYN SIMMONS, as  
 Trustees of the Simmons 2011 Family  
 Trust, u/d/t July 7, 2011,  
  
 Defendants.

**CASE NO. CV-14-00768-NC**

STIPULATION and ~~PROPOSED~~ ORDER  
 TO CONTINUE CASE MANAGEMENT  
 CONFERENCE

Plaintiffs DAREN HEATHERLY and IRMA RAMIREZ, and defendants WYVERN  
 RESTAURANTS, INC., dba ROUND TABLE PIZZA; and GARY L. SIMMONS and SALLYN  
 SIMMONS, as Trustees of the Simmons 2011 Family Trust, u/d/t July 7, 2011, by and through  
 their respective attorney of record, hereby stipulate to continue the Case Management set for  
 February 4, 2015, at 10:00 a.m.

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1           1.       **Whereas**, plaintiffs counsel believed this action was settled in its entirety with  
2 then defense counsel, Catherine Corfee, after three (3) settlement drafts; and

3           2.       **Whereas**, defendants substituted new defense counsel, Scott Lewis, was  
4 substituted in on January 27, 2015; and

5           3.       **Whereas**, Scott Lewis has represented that he does not have his clients' file yet;  
6 and

7           4.       **Whereas**, Scott Lewis needs the file in order to advise his clients; and

8           5.       **Whereas**, Scott Lewis has asked plaintiffs' counsel, Thomas E. Frankovich, to  
9 stipulate to continue the Case Management Conference; and

10          6.       **Whereas**, a Mediator has been assigned to this case; and

11          7.       **Whereas**, plaintiffs' counsel has no objection to continuing the Case  
12 Management Conference set for February 4, 2015, but is concerned that the only available dates  
13 he has on his calendar is March 3, 2015, March 10, 2015, March 12, 2015 and March 16, 2015,  
14 due to the fact, that he has a judge assigned to try a case on the specific dates of: February 16,  
15 2015 through February 27, 2015, and is out of the country from March 19, 2015 through May 5,  
16 2015; and

17          8.       **Whereas**, Scott Lewis has a planned vacation through May of 2015. It's  
18 stipulated and requested that the Case Management Conference be set/continued to March on  
19 one of the following dates: March 3, 2015, March 10, 2015, March 12, 2015 and March 16,  
20 2015, or continued sometime in June of 2015; and

21          9.       **Whereas**, the respective attorneys will try and settle this matter by March 18,  
22 2015; and

23          10.       **Whereas**, realistically, the parties may have to ask the ADR Magistrate Judge to  
24 allow a mediation to be concluded by the third (3<sup>rd</sup>) week of June 2015.

25               It is stipulated and requested that the Case Management be scheduled in June of 2015.

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